



## City of Muscatine



### AGENDA ITEM SUMMARY

DATE:5/14/2021

City Council

#### STAFF

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April Limburg, Planner

#### SUBJECT:

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An Ordinance Vacating and Deeding over 3,339 sq. ft. of the Mulberry Avenue Right of Way Adjoining the 204 Mulberry Ave Property

#### EXECUTIVE SUMMARY:

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The City of Muscatine has submitted a request to vacate, and deed over to the adjoining property 3,339 sq. ft. of the Mulberry Avenue right of way adjoining 204 Mulberry Ave property.

#### STAFF RECOMMENDATION

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Staff recommends approval of the attached ordinance to vacate and deed over 3,339 sq. ft. of the Mulberry Avenue Right of Way adjoining the 204 Mulberry Avenue

#### BACKGROUND/DISCUSSION

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The reconstruction of the Mulberry Avenue- 2<sup>nd</sup> Street intersection as a roundabout has shifted the intersection to the northeast. The shifting of this intersection away from 204 Mulberry Ave. has created an area of surplus right of way, for which there is not current or future public use, between the back of the sidewalk and the parcel containing 204 Mulberry Avenue.

The adjoining property owner, Littleton Land Holdings LLC, has expressed interest in this property since the original design of the roundabout at Mulberry and 2<sup>nd</sup> Street was presented to the community. A utility easement, will be created as part of this vacation. This easement will accommodate existing and future utilities running through the right of way being proposed for vacation.

With approval of the final reading of the ordinance vacating this right of way, it is then necessary for Council to approve a resolution directing for the Mayor and City Clerk to sign the deed conveying this right of way to Littleton Land Holdings LLC, the adjoining property owner.

#### CITY FINANCIAL IMPACT

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This portion of the public right of way serves no current or anticipated future public use. This action will eliminate any future financial impacts of ownership.

## ATTACHMENTS

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1. Ordinance Vacating Right of Way

**ORDINANCE NO. 2021-0189**

**AN ORDINANCE VACATING AND DEEDING PART OF THE MULBERRY AVENUE ADJACENT TO LOT 5 IN BLOCK 30 OF THE ORIGINAL TOWN IN THE CITY OF MUSCATINE, IOWA**

**WHEREAS**, the Planning and Zoning Commission of the City of Muscatine, on April 13, 2021 recommended approval of the vacation and deeding over 3,339 sq. ft. of the Mulberry Avenue right of way adjoining the 204 Mulberry Avenue property in the City of Muscatine, Iowa; and

**WHEREAS**, the City Council of the City of Muscatine has conducted a public hearing on said vacation request and May 20, 2021;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA, AS FOLLOWS:**

Section I. The following described real estate be vacated by the City of Muscatine, Iowa:

PART OF MULBERRY AVENUE ADJACNET TO LOT 5 IN BLOCK 30 OF THE ORIGINAL TOWN IN TE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA. BEGINNING AT NORTHEASTERLY CORNER OF LOT 5 OF BLOCK 30; THENCE NORTH 53°14'37" EAST 8.59 FEET; THENCE SOUTH 51°35'04" EAST 50.69 FEET; THENCE SOUTH 61°16'15" EAST 31.23 FEET TO THE BEGINNING OF THE 46.01 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY WHOSE 38.08 FOOT CHORDS BEARS SOUTH 31°00'29" EAST THENCE SOUTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 39.26 FEET; THENCE SOUTH 03°16'50" EAST 5.27 FEET TO THE BEGINNING OF A 37.94 FOOT RADIUS CURVE CONCAVE WESTERLY WHOSE 32.97 FOOT CHORDS BEARS SOUTH 20°58'45" WEST THENCE SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 34.11 FEET TO THE WESTERLY RIGHT OF WAY OF MULBERRY AVENUE; THENCE NORHT 36°43'26" WEST 137.30 FEET ALONG SAID RIGHT OF WAY TO THE POINT OF BEGINNING. PARCEL "V" CONTAINS 3,339 SQUARE FEET AND IS SUBJECT TO EASEMENTS OF RECORD

Section II. Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is hereby repealed.

PASSED, APPROVED AND ADOPTED this 20<sup>th</sup> day of May, 2021.



BY THE CITY COUNCIL OF THE  
CITY OF MUSCATINE, IOWA

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Diana Brodersen, Mayor

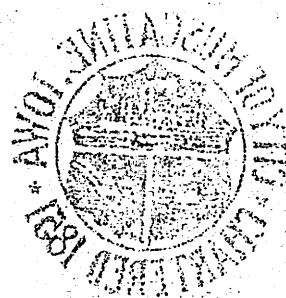
Attest:

\_\_\_\_\_  
Carol Webb, City Clerk

1<sup>st</sup> Reading May 20, 2021

2<sup>nd</sup> Reading June 3, 2021

3<sup>rd</sup> Reading June 17, 2021





\*\*\* Proof of Publication \*\*\*

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE MUSCATINE JOURNAL, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is made a part of this affidavit, was published in said THE MUSCATINE JOURNAL, on the dates listed below.

CITY OF MUSCATINE- Legals account

215 Sycamore Street  
MUSCATINE, IA 52761

ORDER NUMBER 98602

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.

*[Signature]*

Section: Notices & Legals  
Category: 2635 Legal Ordinance  
PUBLISHED ON: 06/29/2021

TOTAL AD COST: 33.78  
FILED ON: 6/29/2021

Subscribed and sworn to before me by said affiant this 29 day of June 2021.

*[Signature]*

Notary Public in and for Scott County, Iowa

NOTICE

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PASSED, APPROVED AND ADOPTED this 20th day of May, 2021.

BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA

Diana Brodersen, Mayor

Attest:

Carol Webb, City Clerk

1st Reading May 20, 2021

2nd Reading June 3, 2021

3rd Reading June 17, 2021

